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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,819	01/14/2004	Dmitry A. Noraev		1818
38583	7590	09/19/2006		
DMITRY NORAEV 16 Penwood Drive New Providence, NJ 07974			EXAMINER HESS, BRUCE H	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/707,819

Applicant(s)

NORAEV, DMITRY A.

Examiner

Bruce H. Hess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6-29-06 (Election).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 12-27 and 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11 and 28-39 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 28-39 is/are rejected.
- 7) ☐ Claim(s) 1-11 and 28-39 is/are objected to.
- 8) ☐ Claim(s) 1-11 and 28-39 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on          is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No.         .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/007)  
Paper No(s)/Mail Date 1-14-04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other:

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1. The restriction requirement is modified as follows: article claims 1-12 and 39 have been included with elected process of using claims 28-38. Apparatus claims 12-27 and 40-42 remain as a separate Group for the reasons of record. The "altering" step can be performed by hand or by another apparatus.

2. Claim 7 is rejected under 35 USC 112 (2) as being indefinite in the recital of "adding material" to an article claim. The data storage medium of claim 1 can have removable "altering means" but it cannot have altering means which are not actually there.

3. Claims 1-6, 8, 10, 11 and 39 are rejected under 35 USC 102 (b) as being anticipated by the patent to Rollhaus et al. (USP 6,011,772).

Claims 1-6, 8-11 and 39 are rejected under 35 USC 102 (b) as being anticipated by the patent to Dailey et al. (USP 6,228,440).

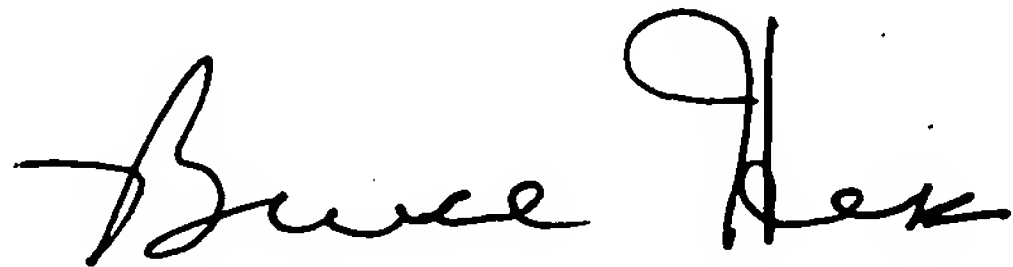
Claims 1-6 and 8-11 are rejected under 35 USC 102 (a) as being anticipated by the patent to Lawandy et al. (USP 6,531,262).

All three of these patents teach data storage media comprising a means for permanent alteration by an external source. In Rollhaus et al. and Lawandy et al., the means are removable layers while in Dailey et al. the means is a layer which changes its physical properties. Once these altering means are activated, the removed or physically changed data cannot be read by another data rendering system.

4. Claims 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the patents to Rollhaus et al., Dailey et al. or Lawandy et al.

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Access to other data rendering systems is denied once the alteration is performed. If one of ordinary skill in this art questioned the success of the aforementioned alteration, an alteration test would have been the obvious solution. Finally, selection of the type of data (e.g., restrictive covenants) contained on the data storage media of the references would have been an obvious design choice on the part of one of ordinary skill in this art.

A handwritten signature in black ink, appearing to read "Bruce Hess". The signature is fluid and cursive, with the first name "Bruce" and the last name "Hess" clearly distinguishable.

BRUCE H. HESS  
PRIMARY EXAMINER  
GROUP 1300